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THE EARLY HISTORY OF THE BALLOT IN ENGLAND

IN the long agitation which preceded the adoption of the English Ballot Act in 1872, it seems to have been assumed by both the reformers and their opponents that the ballot had never been used in England for the election of public officers. Secret voting was denounced as un-English, as a pernicious innovation and a poisonous exotic. Eminent writers, like Bentham, Ricardo, Mill, Grote, and Macaulay, who advocated the reform, did not retort by appealing to English *précédent*; they sought their precedents in remote ages or in foreign lands, especially among the Greeks and Romans, or in France, Italy, America and Australia. Moreover, within the past few years certain historians have positively asserted that the ballot was unknown in England before 1872,¹ and upon this assumption one of these writers has based some sweeping conclusions regarding the origin of American institutions.² It can, however, be demonstrated that secret voting was known in England during the Middle Ages, and that the ballot, though not the most prevalent form of voting, was in common use in various boroughs of England from 1526 to 1835.

An interesting monograph might be written on the history of municipal elections in England. Some of the methods of voting in medieval and modern times were curious and instructive. In our age of zealous office-seekers we should remember that for centuries office-holding was regarded as a burden; that the election originally determined upon whom an irksome duty was to be imposed. This doubtless helps to account for the use of rotation and lot in making nominations or in electing officers in many boroughs.³ Aversion to office-holding should also be taken into account in considering how other old methods—such as indirect elections by various sets of

¹ D. Campbell, *The Puritan in Holland, England and America* (1892), I. 51–52, II. 430; C. F. Bishop, *History of Elections in the American Colonies* (1893), 156.

² Campbell, *The Origin of American Institutions, as illustrated in the History of the Written Ballot* (Amer. Hist. Assoc., Papers, V. 163–186); *The Puritan in Holland*, etc., I. 47–53. During the discussion which followed the reading of Mr. Campbell's paper at the meeting of the American Historical Association, Professor Jameson asserted his belief that the ballot was used at an early date in the English municipalities.

³ Gibson, *History of Cork*, II. 179–183; Turner, *Oxford Records*, 290–1; Palmer, *Perlustration of Yarmouth*, I. 71; Swinden, *History of Yarmouth*, 492; *Munic. Corp. Com.* 1835, II. 1092, 1101, 1274, *et passim*.

electors¹ and voting by acclamation² or by a show of hands³ or by asking those in favor of a candidate to go to one side of the room⁴—managed to take firm root in England. There is, moreover, some evidence which indicates that elections formed a potent factor in the creation of the “select bodies” of certain towns.⁵ These matters we are not at present prepared to investigate; we wish merely to prove that the ballot existed in England long before its general introduction in 1872.

Already in the fourteenth century there was secret voting in some boroughs. At Lancaster, in 1362, those who participated in the election of the mayor were ordered to “give their voices privily and secretly every one by himself.”⁶ According to an ordinance made at Norwich in 1415, each voter was to go to the polling officers and “secretly” name the person whom he desired to be mayor.⁷ In 1416 it was enacted at Lynn Regis that each of the twenty-four jurats should “secretly declare” his vote for mayor, and that the common clerk should “secretly write down the wishes of each in this respect.”⁸ According to an act of Parliament of the year 1471, each voter at York was to go to the polling officers, “ipsisque secrete inter se narrabit quem. . . majorem habere voluerit.”⁹ When more town records are published, it would not

¹ For example, at Cambridge, from 18 Edward III. to 10 Elizabeth and from 1786 to 1835, the mayor and “his assessors” named one person, and the commonalty named another. These two elected twelve of the commonalty, and these twelve chose six more of the commonalty. The eighteen then elected the mayor and other officers. (*Munic. Corp. Com.* 1835, IV. 2185.) Again, at Newcastle-upon-Tyne, according to a royal charter of 1345, the mayor and the four bailiffs were to elect seven men, and these twelve were to choose four, who were to choose eight. The twelve (8+4) were to elect twelve others, and these twenty-four (12+12) were to elect the town officers. (Brand, *History of Newcastle*, II. 161-2.) These methods, which in divers forms were very prevalent in England, may have been suggested by the machinery employed in naming the old presentment jury of the hundred and the jury of the Grand Assize.

² For example, at Deal, Dover, Faversham, Norwich, Oxford, St. Albans and Waterford. See *Munic. Corp. Com.* 1835, II. 931, 942, 963; Blomefield, *History of Norfolk*, III. 127-8; Turner, *Oxford Records*, 397; Gibbs, *St. Albans Records*, 8; *Hist. MSS. Com.*, X., pt. v, 281.

³ At Thetford, for example. See *Munic. Corp. Com.* 1835, IV. 2541.

⁴ At Woodstock, from 1580 to 1664, the mayor was elected as follows: The Corporation nominated two aldermen. Then the commons or freemen were summoned, and the mayor said: “Those that will gyve their voyces to thone alderman stande of that syde, and those that will gyve their voyces to thother alderman so nominated stande on the other syde.” (Ballard, *Chronicles of Woodstock*, 33-34.) See also Gribble, *Memorials of Barnstaple*, 347; Gibbs, *St. Albans Records*, 8; Noake, *Worcester in Olden Times*, 146.

⁵ *Rotuli Parl.*, VI. 431-2; *Materials for the Reign of Henry VII.*, II. 456-7; Merewether and Stephens, *History of Boroughs*, 231, 907.

⁶ Simpson, *History of Lancaster*, 277.

⁷ *Evidences relating to the Norwich Town Close Estate*, 37.

⁸ *Hist. MSS. Com.*, XI., pt. iii, 198.

⁹ *Rotuli Parl.*, V. 455.

surprise us if they should reveal the employment of the ballot in England during the fourteenth and fifteenth centuries.

That the ballot was well known in London in the sixteenth and seventeenth centuries is demonstrated by the following entries in the records of the Court of Aldermen. In 1526 it was ordered that "in all matters concerning the election of aldermen, etc., which need to be written and tried by way of scrutiny, such matters shall be tried by the new gilt box, brought in by the chamberlain, whereon is written these words, 'Yea,' 'Nay.'" In 1532 it was ordered that "in every matter of gravity the box shall be brought into Court, and by putting in of white or black peas the matter is to take effect or not." It is evident that the bean ballot was not an invention of the Puritans of New England.¹ The medieval records of Italian cities mention a *scrutinium cum fabis albis et nigris*.² In 1642 the Court of Aldermen enacted that "from henceforth the balloting box shall be used in this Court, as formerly, to declare their opinions and resolutions in special matters to be propounded."³

That the ballot was in vogue in England during the seventeenth century is shown by a royal order in council dated September 17, 1637. Taking into consideration the manifold inconveniences that may arise "by the use of balloting boxes, which is of late begun to be practised by some corporations and companies," the king declares his "utter dislike thereof," and, with the advice of his council, orders that no corporation or company within the city of London or within the kingdom shall in the future use such boxes.⁴ We are not informed why Charles I. tried to abolish this practice, but we know that the king controlled the elections in many boroughs, and that those who voted contrary to his wishes were in danger of being expelled from the civic corporations.⁵ The ballot-box, which fostered a spirit of independence among the voters, had "manifold inconveniences" for monarchs who wished to retain their control over

¹ Cf. Milton, *Free Commonwealth* (*Prose Works*, 1851, III. 438): "to convey each man his bean or ballot into the box." Mr. Bishop (*History of Elections*, 168) believes that the bean ballot of Pennsylvania was borrowed from Massachusetts. It seems more plausible to assume that the practice in both colonies was derived from England.

² *Statuta Communis Parme*, A. D. 1266-1304 (Parma, 1857), 52, 54.

³ For these three entries, see *Analytical Index to the Remembrancia of the City of London* (1878), 27.

⁴ *Ibid.*, 27; *Macmillan's Magazine*, XX. 567. On the same day an order of the king in council prohibited the Merchant Adventurers from using a ballot-box. (*Cal. of State Papers, Domestic Series*, 1637, p. 420.) In 1622 the names of the candidates for the offices of treasurer and deputy of the Virginia Company "were balloted" or "put to the balloting box." Balls were used in balloting. See *Abstract of Proceedings of the Virginia Company of London*, ed. R. A. Brock (Richmond, 1888-89), I. 178.

⁵ Bailey, *Transcripts from the Archives of Winchester*, 31; Merewether and Stephens, *History of Boroughs*, 1716.

the "select bodies." The intimidation of voters by the king or by his agents could not be continued effectually under a system of secret voting.

The following interesting ordinance was made at Winchester in 1656:¹

"Whereas it hath been found by often experience that public and open votes at the assemblies holden within the said city, for electing of the mayor and other magistrates and officers within the same, hath caused clamour and ill blood amongst divers of the citizens of the city aforesaid, for the preventing whereof in time to come, and to the end that the said citizens may be more free in their votes and elections than formerly they have been, and for the better continuance of love and unity amongst themselves, It is ordained and established by this assembly that there be forthwith provided one hundred bullets, of colours red and white, in equal proportion, and that the said bullets be kept in a fit box to be provided for that purpose. And that at all such public assemblies and meetings one of the said bullets be delivered to each citizen then present, and that the mayor for the time being (if occasion be) do declare in writing, under his hand, for what person or purpose each of the said bullets shall stand at every nomination or election; and that, instead of such open and public vote, each citizen put privately into said box the bullet for or against such person or purpose then in question at such nomination or election, according to the dictates of his conscience; and that the mayor put in two bullets for his casting vote (in case the bullets so put in, as aforesaid, shall happen to be even); and that, upon view of the said bullets, the election to pass, stand and be determined, according to the major part of the bullets, for or against such nomination, or election, or purpose as aforesaid, and to be as effectual to all intents and purposes as if the same had been openly and publicly voted, any ordinance or custom to the contrary thereof in anywise notwithstanding; and that the bullets remaining in each citizen's hand be immediately after each election privately put in again into the said box. Provided—that it shall and may be lawful to and for any citizen, if he think fit, openly to publish and make known his vote, and to declare the reasons and inducements leading him thereunto."²

Here we find at an early period the principle of optional secret voting, which was advocated by the House of Lords in 1872, but which the Commons refused to accept.³

During the seventeenth century balls or bullets were also used in elections at Lymington and Barnstaple. In 1577, in order "to prevent animosities," it was ordained at Lymington that the mayor and the members of Parliament should in the future be elected "by the way of bullets." Three candidates were nominated for mayor,

¹ The ordinance has this rubric: "Election of mayor and all other officers to be by pewter."

² Bailey, *Transcripts from the Archives of Winchester*, 31-32.

³ For optional secret voting at Rochester, see below, p. 462.

and then each burgess received three bullets of different colors. One of these he deposited in a covered box; the other two he put "privately" into a bag provided for that purpose. This method of election seems to have been abolished after a short trial.¹ In 1689 it was enacted at Barnstaple that, after the names of two candidates for the mayoralty had been fixed on two separate pots, each voter should receive a ball and, holding both hands closed, should "at one instant time" put his right hand into one pot and his left into the other, "letting his ball fall secretly into which pott he list." This method of voting for mayor and other municipal officers was still in practice in 1830;² and the ball ballot is still employed in Greece at the present day.³

The secret *written* ballot also existed in English towns. To terminate the "infinite contentions, animosities, and disputes" among the burgesses of Pontefract, James I. in 1607 granted them a new charter regulating the election of mayor. Each burgess was to write on a scroll of paper the name of the candidate for whom he wished to vote, and this scroll was to be placed in a box or bag. When the result of the election had been declared by the town clerk the scrolls were to be publicly destroyed, in order that the handwriting might not be scrutinized.⁴ In 1835 this method of voting was still in use not only at Pontefract, but also at Queenborough.⁵

Another means of securing secrecy was by a scratch, or dot, or other mark opposite or under the name of the candidate. At Wisbech in the early part of the present century, the names of the persons nominated for the office of capital burgesses were pasted upon a piece of paper, and each voter made a tick or scratch under the names of those whose election he desired, no person being allowed to see the poll except at the time of voting.⁶ A similar system seems to have been in vogue at Chippenham, Fordwich, Kingston-upon-Thames, and Plymouth.⁷ At Chippenham the voters signified

¹ *Munic. Corp. Com.* 1835, 743-4.

² Gribble, *Memorials of Barnstaple*, 351-4. Balls were also used at Portsmouth, Doncaster, Romsey and Yarmouth. See below, pp. 461, 462.

³ G. Deschamps, *La Grèce d'Aujourd'hui* (new ed., 1897), 85-86. The Venetian mode of balloting advocated in Harrington's *Oceana* has striking resemblances to that which still exists in Greece. In 1268 the written ballot was used in Venice. See H. F. Brown, *Venice* (1893), 151.

⁴ Boothroyd, *History of Pontefract*, 447-8, and App. p. xii.; Fox, *History of Pontefract*, 33-34.

⁵ *Munic. Corp. Com.* 1835, II. 824, III. 1674-5.

⁶ *Report from Select Committee* (Parl. Papers, 1833, Vol. XIII., p. 172); *Munic. Corp. Com.* 1835, IV. 2552-3.

⁷ *Munic. Corp. Com.* 1835, II. 987, 124, IV. 2895; Worth, *Calendar of Plymouth Records*, 85. At Kingston-upon-Thames, in 1835, the names of the candidates were written upon a sheet of paper, to which each voter went alone and "scratched" the name of one of the candidates with a pen. This system of voting existed at Kingston for at least three hundred years.

their choice for the office of bailiff by sticking a pin in the name of one of the candidates. This calls to mind Sydney Smith's description of the plan proposed by Grote in 1836-37: "In Mr. Grote's dagger ballot box . . . you stab the card of your favorite candidate with a dagger."¹ In the reign of Charles II. the Earl of Shaftesbury advocated the adoption of the "dot system" for parliamentary elections. The method, he says, should be such "that none may know on whom the electors' votes were conferred. . . . Let them go in one by one, each writing down his own dot."²

At Portsmouth, in the first half of the present century, "scratching" and the ball ballot were combined. Each person went separately into a room and made a mark opposite the names of those aldermen whom he wished to nominate for mayor. The two having the most marks were nominated. Each elector then received two colored balls, one of which he "privately" placed in a box and the other in a bag.³

The employment of the ballot for the election of public officers is first mentioned in the *Statutes of the Realm* in an act of 1831 (1 & 2 Will. IV. c. 60). It provides that, in those parishes of England and Wales which shall adopt the act, the vestrymen and the auditors of parish accounts shall be elected by a written ballot, if this be demanded by any five rate-payers.

Other examples of the use of the ballot, from 1722 to 1835, are briefly indicated in the following list:

BOSTON. Election of the common council, 1835: *Munic. Corp. Com.* 1835, IV. 2152.

DEAL. Election of jurats and common councilmen, 1815-1835: *ibid.*, II. 932.

DONCASTER. All elections shall be determined by ballot with balls, 1778. Tomlinson, *Doncaster*, 334.

DROGHEDA. Election of mayor, 1835: *Munic. Corp. Com.* 1835, Ireland, 813.

LINCOLN. A proposal to substitute *viva voce* voting for the ballot was rejected, 1749: *Hist. MSS. Com.*, XIV., pt. viii, 117. Election of aldermen by ballot, 1835; *Munic. Corp. Com.* 1835, IV. 2346.

LYNN REGIS. Election of committees "by lot or ballot," 1835: *ibid.*, IV. 2396.

¹ *Works of Sydney Smith* (2d ed.), III. 141. Mr. Grote's plan was to use a card-frame covered with glass. Under this glass the voter sees a card on which the names of the candidates are printed. Through one of the holes in the wood he punctures the card opposite the name of his favorite candidate, and then by pulling a slide causes the card to fall into the ballot-box. See *Spectator*, February 25, 1837.

² *Somers Tracts* (1812), VIII. 402.

³ *Munic. Corp. Com.* 1835, II. 803-4. Black balls were used to indicate a preference for the senior alderman, white balls to indicate a preference for the junior alderman.

READING. All elections in the Corporation shall in the future be by ballot, 1722 : *Hist. MSS. Com.*, XI., pt. vii, 205.

ROCHESTER. According to a by-law of 1734 regulating the election of mayor, the town clerk and four others are the vote-takers, and the town clerk writes down the votes on papers, which are publicly burned as soon as the result of the election is declared. A vote-taker who reveals how anyone has voted shall be disfranchised, and prosecuted for perjury. At the expiration of two hours of secret polling those who prefer to vote publicly may do so. *Munic. Corp. Com.* 1835, II. 845.

ROMSEY. Election of mayor and recorder by ballot with colored balls, 1835 : *ibid.*, II. 1331-2.

SOUTHAMPTON. Election of mayor, *circa* 1760 to 1835 : *ibid.*, II. 874 ; Davies, *History of Southampton*, 165.

STOCKPORT. Election of mayor and town clerk, 1820, 1836 : Heginbotham, *Stockport*, II. 260, 274.

SWANSEA. Election of portreeve, 1835 : *Munic. Corp. Com.* 1835, I. 386.

YARMOUTH. Election of aldermen and common council by ball ballot, 1725-1835 : Palmer, *Perlustration of Yarmouth*, I. 73-74 ; Palmer, *History of Yarmouth*, 50.

The Municipal Corporations Act (5 & 6 Will. IV. c. 76) prescribed open voting for some of the most important town offices,¹ and tended to make all municipal elections uniform.

The history of the ballot in England has not yet been written ; this paper deals tentatively with only one phase of the subject. The town records which have been published are not yet abundant enough to enable us to make an exhaustive study of such institutions. The meagre sources at our disposal indicate that in some boroughs the municipal officers were elected by ballot since the sixteenth century ; that this mode of voting was seldom used for parliamentary elections before 1872 ;² and that balls were usually employed in balloting, though we meet with some examples of written scrolls and "scratching," and in many cases the kind of ballot is not described in the records. It is difficult to determine whether secret voting in olden times prevented bribery and intimidation. The motive for its introduction which is most frequently mentioned was to prevent animosity, clamor and disorder.³ The attitude of Charles I. toward the institution seems to indicate that already in the seventeenth century it tended to guarantee the personal independence of

¹ The voting papers for councillors were to be signed by the voters.

² The election of members of Parliament at Lymington (above, p. 459) is the only example that I have found.

³ This advantage of secret voting is also emphasized in the tract entitled "The Benefit of the Ballot" (*State Tracts privately printed in the Reign of King Charles II.*, London, 1693, I. 443-6).

the voters. We may surmise that, though the order in council of 1637¹ was not effective, the opposition of royalty was a potent force which in many boroughs tended to prevent the adoption of the ballot as a part of the machinery of local government. The court influence would naturally be exerted most strongly against secret voting in parliamentary elections; and this may account for the fact that we find so few examples of its use in such elections.

The fact that the ballot was well known in England during the sixteenth and seventeenth centuries suggests the conclusion that the American colonists brought the idea of secret voting with them from their English homes. In 1835 a member of Parliament asserted that the advocates of the ballot were trying to "deck themselves out in the worn-out garments of the Americans."² His opponents might well have answered that those garments had been imported from England. The facts which we have presented also show that too much credit has been ascribed to Harrington as the progenitor of the ballot in England and America.³ We have seen that this mode of voting was familiar to Englishmen a century, at least, before Harrington's time; and the question of its employment in Parliament had been agitated long before the *Oceana* was published.⁴

CHARLES GROSS.

¹ Above, p. 458.

² *Parl. Debates*, 1835, XXVIII. 420.

³ Dwight, *Harrington* (in *Polit. Science Quarterly*, Vol. II.), 13-17, 21-22; Bishop, *History of Elections*, 167.

⁴ *Journals of Commons*, 1646, IV. 690: "The question was propounded, whether it shall be referred to the Committee lately named, to consider of a Balloting Box and the Use of it; and to present their opinions to the House." This question was decided in the negative. On May 3, 1660, it was ordered that twelve members be chosen by ballot to carry the letter of the House to the king (*ibid.*, VIII. 11, 15; *Hist. MSS. Com.*, V. 149). Mr. Goadby, in *Polit. Science Quarterly*, III. 657, says that the earliest recorded use of the ballot in connection with the English Parliament occurs in 1805. The truth is that the written ballot was frequently employed in both houses for the appointment of parliamentary committees, from 1690 onward into the nineteenth century; the voting papers were held between the finger and the thumb, and were put into glasses. That no mention of this practice occurs in the journals of either house from 1660 to 1690 was perhaps due to the revulsion of feeling against liberal thought during the reigns of Charles II. and James II. Mr. Goadby also seems to err in stating that a ballot bill was introduced in the House of Commons in 1710 (*Polit. Science Quarterly*, III. 656), and his error has been repeated by Campbell (*The Puritan*, II. 431).